

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:21-CR-491
)	
Plaintiff,)	JUDGE J. PHILIP CALABRESE
)	
v.)	
)	
PAUL SPIVAK,)	<u>STIPULATIONS</u>
CHARLES SCOTT,)	
)	
Defendants.)	

The United States of America, through its undersigned attorneys, and the Defendants, through their undersigned attorneys, hereby agree and stipulate to the following factual and evidentiary matters:

1. At all relevant times: US Lighting Group (also known as USLG) was a company based and headquartered in the Northern District of Ohio, in either Eastlake, Ohio or Euclid, Ohio.

2. At all relevant times: Huntington Bank and Key Bank were based in the State of Ohio. Each of the following financial institutions was based outside the State of Ohio: BAC Community Bank, Bank of America, Bank of the West, Chartway FCU, Great Southern Bank, JP Morgan Chase Bank, MetaBank, Morrill & Janes Bank, Navy Federal Credit Union, SunTrust Bank, TD Bank, US Bank, WECU, Wells Fargo Bank. A transfer of funds between a financial institution based in Ohio and one based outside Ohio required a transmission of a signal by means of wire communication, in interstate commerce, across state lines. A transfer of funds to or from a financial institution based outside Ohio that was initiated from inside Ohio also required a transmission of a signal by means of wire communication, in interstate commerce,

across state lines.

3. If called as witnesses, representatives of the respective relevant businesses (financial institutions, brokerages, and other financial services companies, including Vstock Transfer and PayPal, and Craigslist.com), would testify that the documents and other records they provided were true and accurate copies of the documents and records they purport to be within the meaning of Rules 803, 901, and/or 902 of the Federal Rules of Evidence. The exhibits produced from those records are business records of their respective entities, were created contemporaneous with the events recorded therein, were created by someone familiar with the events recorded therein, and were maintained in the ordinary course of their business.

4. The parties agree to stipulate to the authenticity and chain of custody of records seized from US Lighting Group's offices. Defendants will not require custodial witnesses from the Federal Bureau of Investigation to provide in-court testimony regarding the chain of custody for these documents or records.

5. FBI agents seized Paul Spivak's Apple iPhone from his person on June 8, 2021. The data, images, and other files on that iPhone were forensically recovered from that iPhone by a reliable automated process. GX 901 – 902 and 906 – 908 fairly and accurately represent excerpts of the contents of that iPhone, and are authentic, true and accurate copies of the records they purport to be within the meaning of Rule 901 of the Federal Rules of Evidence.

6. FBI agents obtained Laura Loesch's Apple iPhone when she provided it to the agents on April 12, 2023. The data, images, and other files on that iPhone were forensically recovered from that iPhone by a reliable automated process. GX 911 – 924 fairly and accurately represent excerpts of the contents of that iPhone, and are authentic, true and accurate copies of the records they purport to be within the meaning of Rule 901 of the Federal Rules of Evidence.

7. US Lighting Group produced documents to the Securities and Exchange Commission, at bates numbers SEC-USLG-E-0000001 to SEC-USLG-E-0000915 and from USLG_01703 to USLG_06436. Among those documents were consulting agreements (GX 108 – 110), invoices (GX 111 – 115), subscriptions agreements (GX 126 – 149, a Craigslist.com Advertisement (GX 117) and emails and letters (GX 123-A – 123-D). Those exhibits are true and accurate copies of the documents and records they purport to be within the meaning of Rule 901 of the Federal Rules of Evidence.

8. The transcripts of testimony before the Securities and Exchange Commission (GX 303-A – 303-D) and before the Lake County Court of Common Pleas (GX 300-E) are authentic and true and accurate records of the statements made by each testifying witnesses.

9. Each of the court records in GX 300-A – 300-F, and 301-A, and Spivak Exhibits 96-99, 101-126, 132, 135, 136, 140, 142-143, 145-149, 151, 153, 155-156, 159-161, 168-169, 178-181, 211, and 449 is a copy of an official record or a copy of a document that was recorded or filed in a public office as authorized by law that is a self-authenticating domestic public record within the meaning of Rule 902(4) of the Federal Rules of Evidence.

10. The parties agree that if called as witnesses, representatives of the respective relevant businesses, would testify that the Scott Exhibits 1, 4, 6, 7, 10, 14, 18-36, 39-44 and 46 are true and accurate copies of the documents and records they purport to be within the meaning of Rules 803, 901, and/or 902 of the Federal Rules of Evidence. These exhibits are business records of their respective entities, were created contemporaneous with the events recorded therein, were created by someone familiar with the events recorded therein, and were maintained in the ordinary course of their business.

11. The parties agree that the Scott Exhibits 2, 3, 5, 8, 9, 11, 12, 13, 15, 16, and 17 are

true and accurate copies of the documents and records they purport to be within the meaning of Rules 901 and/or 902 of the Federal Rules of Evidence.

12. The parties agree that if called as witnesses, representatives of the respective relevant businesses, would testify that Spivak Exhibits 7, 9-11, 13-16, 22-23, 26, 27, 30, 39, 40, 41, 56, 58, 59, 60, 62-64, 77-81, 85-88, 91, 93, 94, 95, 127, 133, 134, 137, 141, 150, 152, 171, 175-177, 184, 187, 191, 195, 210, 212, 215, 221, 222, 228, 230, 233, 237-239, 241-242, 243, 244, 249, 251, 277, 280, 283, 294-296, 299-302, 307-308, 312-314, 318, 322, 326, 339, 342-366, 368-372, 374-375, 447, 450-454, 457-459 are true and accurate copies of the documents and records they purport to be within the meaning of Rules 803, 901, and/or 902 of the Federal Rules of Evidence. These exhibits are business records of their respective entities, were created contemporaneous with the events recorded therein, were created by someone familiar with the events recorded therein, and were maintained in the ordinary course of their business.

13. The parties agree that if called as witnesses, a representative of US Lighting Group, would testify that Spivak Exhibits 1-6, 12, 17, 24, 25, 28, 29, 31-38, 42-48, 50-55, 61, 65-70, 72, 76, 130, 131, 138, 144, 196, 197, 202-207, 213, 214, 219, 225-227, 229, 231, 234-236, 240, 245-248, 250, 252, 255-258, 260-274, 276, 278-279, 282, 284-285, 287, 289, 290, 292-293, 297-298, 303-305, 324, 327-328, 330-337, 377, 446, 448, 461-464, 467-472, and 474-477, are true and accurate copies of the documents and records they purport to be within the meaning of Rules 803, 901, and/or 902 of the Federal Rules of Evidence. These exhibits are business records of USLG, were created contemporaneous with the events recorded therein, were created by someone familiar with the events recorded therein, and were maintained in the ordinary course of their business.

14. The parties agree that Spivak Exhibits 71, 73-75, 82-84, 89-90, 100, 128-129,

157-158, 162-166, 172-174, 185-186, 188-190, 193-194, 201-202, 209, 217-218, 220, 232, 235, 253-254, 259, 262, 272-273, 275, 279, 285-286, 288, 315, 317, 320-321, 323, 325, 327, 329, 335, 338, 341, and 455 are true and accurate copies of the documents and records they purport to be within the meaning of Rules 901 and/or 902 of the Federal Rules of Evidence.

15. The parties agree that Spivak Exhibits 281, 309-311, and 378-379 are compilations of the publicly reported stock price of USLG and are true and accurate copies of the documents and records they purport to be within the meaning of Rules 803, 901, and/or 902 of the Federal Rules of Evidence. These exhibits are business records.

16. If called as witnesses, representatives of the Corrections Corporation of America, which operates the Northeast Ohio Correctional Center, would testify that the recordings and other records of telephone calls produced in this case, including GX 501 – 532, are true and accurate copies of the documents and records they purport to be within the meaning of Rules 901, and/or 902 of the Federal Rules of Evidence. Each exhibit consists of a recording of a phone call made by Paul Spivak from the Northeast Ohio Correctional Center, at the particular times, to the particular numbers, and of the duration, noted in the following table.

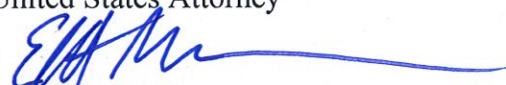
GX	Call Details: Call ## - DATE[YYYYMMDD] @ TIME; Call To:DIALED NUMBER.; Dur:DURATION
501	Call # 08 - 20210609 @ 20:25; Call To:4407597300; Dur:14 Min. 42 Sec.
502	Call # 17 - 20210610 @ 13:47; Call To:4404793818; Dur:11 Min. 01 Sec.
503	Call # 18 - 20210610 @ 14:00; Call To:4407597300; Dur:10 Min. 45 Sec.
504	Call # 19 - 20210610 @ 14:13; Call To:4404793818; Dur:02 Min. 06 Sec.
505	Call # 20 - 20210610 @ 14:18; Call To:4404793818; Dur:00 Min. 54 Sec.
506	Call # 22 - 20210610 @ 15:57; Call To:4404793818; Dur:05 Min. 19 Sec.
507	Call # 23 - 20210610 @ 16:06; Call To:4404793818; Dur:09 Min. 36 Sec.
508	Call # 24 - 20210610 @ 16:28; Call To:4407597300; Dur:09 Min. 58 Sec.
509	Call # 25 - 20210610 @ 16:44; Call To:4404793818; Dur:02 Min. 39 Sec.
510	Call # 26 - 20210610 @ 16:59; Call To:4407597300; Dur:03 Min. 15 Sec.
511	Call #171 - 20210621 @ 17:20; Call To:4407597300; Dur:01 Min. 30 Sec.

512	Call #172 - 20210621 @ 17:30; Call To:4404793818; Dur:02 Min. 09 Sec.
513	Call #173 - 20210621 @ 17:34; Call To:4407597300; Dur:02 Min. 37 Sec.
514	Call #174 - 20210621 @ 17:42; Call To:4404793818; Dur:03 Min. 15 Sec.
515	Call #175 - 20210621 @ 17:51; Call To:4407597300; Dur:02 Min. 33 Sec.
516	Call #176 - 20210621 @ 17:55; Call To:4404793818; Dur:01 Min. 57 Sec.
517	Call #177 - 20210621 @ 18:01; Call To:4407597300; Dur:01 Min. 18 Sec.
518	Call #178 - 20210621 @ 18:16; Call To:4407597300; Dur:04 Min. 18 Sec.
519	Call #179 - 20210621 @ 18:47; Call To:4407597300; Dur:01 Min. 24 Sec.
520	Call #180 - 20210621 @ 18:49; Call To:4404793818; Dur:08 Min. 16 Sec.
521	Call #181 - 20210621 @ 20:31; Call To:4407597300; Dur:03 Min. 51 Sec.
522	Call #182 - 20210621 @ 20:36; Call To:4404793818; Dur:01 Min. 21 Sec.
523	Call #183 - 20210621 @ 20:39; Call To:4407597300; Dur:01 Min. 46 Sec.
524	Call #184 - 20210621 @ 21:02; Call To:4404793818; Dur:02 Min. 35 Sec.
525	Call #185 - 20210621 @ 21:14; Call To:4407597300; Dur:01 Min. 36 Sec.
526	Call #186 - 20210622 @ 08:24; Call To:4407597300; Dur:03 Min. 27 Sec.
527	Call #187 - 20210622 @ 08:37; Call To:4407597300; Dur:03 Min. 48 Sec.
528	Call #188 - 20210622 @ 08:42; Call To:4404793818; Dur:05 Min. 03 Sec.
529	Call #189 - 20210622 @ 08:48; Call To:4407597300; Dur:01 Min. 00 Sec.
530	Call #221 - 20210623 @ 12:21; Call To:4404793818; Dur:02 Min. 47 Sec.
531	Call #222 - 20210623 @ 12:41; Call To: 4407597300; Dur:02 Min.19 Sec.
532	Call #228 - 20210623 @ 13:59; Call To: 4404793818; Dur:02 Min.45 Sec.

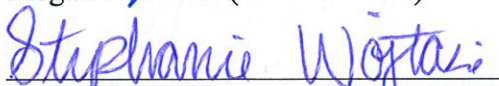
Respectfully submitted,

REBECCA C. LUTZKO
United States Attorney

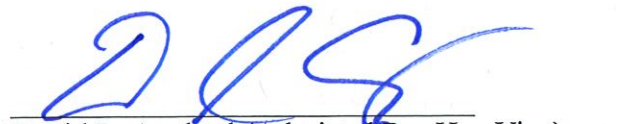
By:


Elliot Morrison (OH: 0091740)

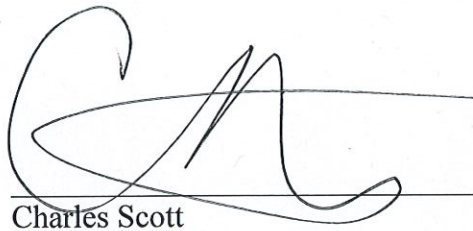

Megan R. Miller (OH: 0085522)

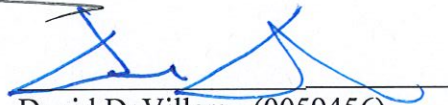

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